

REMARKS

Rejection of Claims 1, 2, 4-6, and 9-11 under 35 U.S.C. 103(a) as being unpatentable over Desgagne, et al. (USPN 6,296,453) in view of Haartsen (USPN 6,650,630)

Applicant respectfully traverses the rejection of claims 1, 2, 4-6 and 9-11 under 35 U.S.C. § 103(a) as being unpatentable over Desgagne, et al. in view of Haartsen. Reconsideration is respectfully requested.

Applicant respectfully submits that the combination of Desgagne and Haartsen does not teach or suggest all the claim limitations as set forth in independent claim 1. Specifically, independent claim 1 requires “setting a first slotting structure . . . based on the first requested call type, wherein the first slotting structure is selected from one of the inbound and outbound channels being aligned in time and the inbound and outbound channels being offset in time”, which is not taught or suggested in the combination of Desgagne and Haartsen. Since the combination of Desgagne and Haartsen fails to disclose Applicant’s claimed invention as claimed in independent claim 1, Applicant respectfully requests withdrawal of the rejection of claim 1 under 35 USC 103(a) and further requests that claim 1 now be passed to allowance.

Desgagne is directed to a method for multi-full rate channel assignment for a mobile station in a cellular telephone system. The patent teaches that a voice communication normally occupies only a single logical channel (also defined as a time slot), and this is referred to as a full rate (FR) channel call. A single full rate channel or time slot may not, however, have sufficient bandwidth to efficiently support some kinds of data communications. These communications may be better (and perhaps only) handled by simultaneously using plural logical channels/time slots. This is referred to as a multi-full rate channel call. The reference further identifies a need for a system to intelligently assign multi-full rate calls to available traffic channels (*see* col. 1, lines 29-32; and col. 2, lines 48-63). Desgagne addresses this stated need in its teaching of a method for multi-full rate channel assignment that responds to a received call request by first performing a full rate channel sort to identify available full rate channels (or time slots) that meet a requested service type. Thereafter, a multi-full rate sort is performed on the identified full rate channels found in the full rate sort to identify multi-full rate channel combinations (or multiple slot combinations) that meet a requested service rate for the call request. The requested call is then assigned one of the identified multi-full rate combinations (*see* col. 3, lines 7-19).

Applicant respectfully disagrees with the statement in item 4, page 3, of the Office Action dated July 6, 2007 that “Desgagne discloses setting a slotting structure . . . based on the requested call type”. The Office Action specifically refers to a channel assignment process that can be used in a TDMA system (described in col. 7, lines 30-37 and col. 9, lines 50-52 of Desgagne) as being analogous to “setting a first slotting structure . . . based on the requested call type”. This analogy is, however, a mischaracterization of Desgagne. At most Desgagne discloses selecting a plurality of slots to simultaneously use in combination to provide the needed bandwidth for a given call request. However, the slotting structure of each of the selected slots is not set based on the call request but is a predefined standard slotting structure identified in the reference as “an IS-136 time slot structure” (*see* col. 9, lines 51-52). Accordingly, the combined teachings of Desgagne and Haartsen fail to teach or suggest “setting a first slotting structure . . . based on the requested call type” as required by claim 1.

Moreover, Applicant further disagrees with the statement in item 4, page 3 of the office Action dated July 6, 2007 that “Haartsen further discloses wherein the first slotting structure is selected from one of the inbound and outbound channels being aligned in time and the inbound and outbound channels being offset in time” as required by claim 1. The Office Action specifically refers to a slotting structure for transmission and reception (described in col. 6, lines 49-67, col. 7, lines 1-8, col. 11, lines 1-9, and figures 2, 9A and 9B of Haartsen) as being analogous to “wherein the slotting structure is . . . the inbound and outbound channels being aligned in time”. This analogy is, however, a mischaracterization of Haartsen.

When interpreting claim language, the language must be given its broadest reasonable interpretation consistent with the specification. Moreover, when the specification provides definitions for terms appearing in the claims, the specification can be used in interpreting the claims (*see* MPEP §2111.01). In this case, claim 1 includes the term “inbound and outbound channels being aligned in time”. The specification provides a definition for these terms, wherein it states that “for an aligned slotting structure . . . both inbound and outbound transmissions occur simultaneously” (*see* page 2, lines 17-21). However, the slotting structure referred to in Haartsen is not “aligned in time” as this term should be read (consistent with the specification, as required). Conversely, Haartsen discloses that uplink and downlink transmissions occur alternately (*see* col. 6, lines 51-53, FIG. 2, FIG. 9A and FIG. 9B), which is opposite of the meaning that should be given to the limitations “inbound and outbound slotting structure being

aligned in time” recited in claim 1. Accordingly, Haartsen fails to disclose “wherein the first slotting structure is selected from one of the inbound and outbound channels being aligned in time and the inbound and outbound channels being offset in time”, as required by claim 1.

Therefore, since the combination of Desgagne and Haartsen does not teach or suggest the claim limitations of “setting a first slotting structure . . . based on the first requested call type, wherein the first slotting structure is selected from one of the inbound and outbound channels being aligned in time and the inbound and outbound channels being offset in time” as required by independent claim 1, Applicant submits that claim 1 is not obvious in view of the combination of Desgagne and Haartsen. Accordingly, Applicant submits that the rejection of claim 1 under 35 USC 103(a) should be withdrawn. Applicant further requests that Claim 1 now be passed to allowance.

Dependent claims 2, 4-6 and 9-11 depend from, and include all the limitations of independent claim 1. Therefore, Applicant respectfully request reconsideration of dependent claims 2, 4-6 and 9-11 and further requests that these claims now be passed to allowance.

Rejection of Claims 3 and 7 under 35 U.S.C. 103(a) as being unpatentable over Desgagne, et al. (USPN 6,296,453) in view of Haartsen (USPN 6,650,630), as applied to Claims 1 and 6, and further in view of Dertz, et al. (US Pub. No. 2002/20093948)

As mentioned above, Applicant respectfully submits that the combination of Desgagne and Haartsen does not teach or suggest “setting a first slotting structure . . . based on the first requested call type, wherein the first slotting structure is selected from one of the inbound and outbound channels being aligned in time and the inbound and outbound channels being offset in time” as required by independent claim 1. Since Dertz, et al. also does not teach or suggest these limitations, the combination of these references fails to disclose Applicant’s claimed invention. Applicant, therefore, respectfully requests withdrawal of the rejection of claims 3 and 7 under 35 USC 103(a), and further requests that these claims now be passed to allowance.

Rejection of Claims 8 and 12 under 35 U.S.C. 103(a) as being unpatentable over Desgagne, et al. (USPN 6,296,453) in view of Haartsen (USPN 6,650,630), as applied to Claims 1 and 4, and further in view of Dertz, et al. (US Pub. No. 2002/20093948) and Klein, et al. (USPN 6,707,798)

As mentioned above, Applicant respectfully submits that the combination of Desgagne, Haartsen and Dertz, et al. does not teach or suggest “setting a first slotting structure . . . based on the first requested call type, wherein the first slotting structure is selected from one of the inbound and outbound channels being aligned in time and the inbound and outbound channels being offset in time” as required by independent claim 1. Since Klein, et al. also does not teach or suggest these limitations, the combination of these references fails to disclose Applicant’s claimed invention. Applicant, therefore, respectfully requests withdrawal of the rejection of claims 8 and 12 under 35 USC 103(a), and further requests that these claims now be passed to allowance.

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant’s attorney or agent at the telephone number indicated below.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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